

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, MARCH 1, 2004

PORTSMOUTH, NH
TIME: 7:00PM

At 6:00 p.m., a non-meeting with Counsel was held regarding negotiations.

I. CALL TO ORDER

Mayor Sirrell called the meeting to order at 7:00 p.m.

II. ROLL CALL

Present: Mayor Sirrell, Assistant Mayor Hanson, Councilors Grasso, Ferrini, Marchand, Pantelakos, Hynes, Reynolds, and Whitehouse.

III. INVOCATION

Mayor Sirrell asked everyone to join in a moment of silent prayer.

IV. PLEDGE OF ALLEGIANCE

Councilor Reynolds led in the pledge of allegiance to the flag.

PROCLAMATION

1. Music In Our Schools Month

Assistant Mayor Hanson read the proclamation, which Mayor Sirrell presented to Wendell Purrington and Diane McGee declaring March as Music In Our Schools Month.

2. Youth Art Month

Councilor Grasso read the proclamation, which Mayor Sirrell presented to Wendell Purrington and Diane McGee in recognition of Youth Art Month.

3. Great Bay Services 50th Anniversary

Councilor Ferrini read the proclamation, which Mayor Sirrell presented to representatives of Great Bay Services for their 50th anniversary.

PRESENTATION

1. Children's Book Re: Slavery – Patricia Wall

Patricia Wall presented a book she wrote to Mayor Sirrell entitled Child Out Of Place.

2. Report back on Status of Recycling and Solid Waste Program

- Silke Psula, Solid Waste Coordinator
- Steve Parkinson, Public Works Director

Silke Psula presented a slideshow presentation to the City Council on the recycling and solid waste program. She informed the City Council that the city saved approximately

\$28,000 with the establishment of the on-demand bulky waste collection. She also informed the Council that the landfill contract we have would expire in June 2005. She advised the Council that the city saved \$73,000 with the establishment of the program.

V. ACCEPTANCE OF MINUTES – FEBRUARY 9, 2004

Assistant Mayor Hanson moved to accept and approve the City Council minutes of the February 9, 2004 meeting. Seconded by Councilor Whitehouse and voted.

VI. PUBLIC COMMENT SESSION

Henry Brandt, Developer of the Wholey Way Subdivision, addressed the letter on the agenda regarding drainage issues with the development. He said that drainage issues exist because the culvert for the Echo Hill Condominiums is frozen and filled with debris. He advised the Council that he would work with the city on this matter.

Councilor Pantelakos moved to suspend the rules in order to take up items X. A.1. & X. A.2. - Request for Approval of the Five-Year Agreement with the Portsmouth Professional Fire Officers Association and Request for Approval of the Five-Year Agreement with the International Association of Firefighters (Local #1313). Seconded by Assistant Mayor Hanson and voted.

- Request for Approval of the Five-Year Agreement with the Portsmouth Professional Fire Officers Association

City Manager Bohenko recommended approval of the contract.

Councilor Ferrini moved to approve the five-year agreement commencing July 1, 2003 through June 30, 2008 with the Portsmouth Professional Fire Officers Association. Seconded by Councilor Grasso and voted.

- Request for Approval of the Five-Year Agreement with the International Association of Firefighters (Local #1313)

City Manager Bohenko recommended approval of the contract.

Councilor Pantelakos moved to approve the five-year agreement commencing July 1, 2003 through June 30, 2008 with the Portsmouth Firefighters. Seconded by Councilor Hynes and voted.

VII. PUBLIC HEARING

- A. ORDINANCE AMENDING CHAPTER 10, ARTICLE I, SECTION 10-102 (A) – DEFINITIONS AND ARTICLE IX, SECTION 10-903 (B) ILLUMINATION AND MOTION OF SIGNS

Mayor Sirrell read the legal notice, declared the public hearing open, and called for speakers.

City Attorney Sullivan provided an overview of the ordinance. He said that the court ruled that the city could not regulate a sign on its content, therefore he recommends approval of the ordinance as presented.

City Manager Bohenko advised the City Council existing signs would be grandfathered.

After three calls and no speakers, Mayor Sirrell declared the public hearing closed.

VIII. CONSIDERATION OF RESOLUTIONS AND ORDINANCES

- A. Second reading of Ordinance amending Chapter 10, Article I, Section 10-102 (A) – Definitions and Article IX, Section 10-903 (B) Illumination and Motion of Signs

Councilor Whitehouse moved to pass second reading of amended ordinance, as submitted, and hold third and final reading at the March 15, 2004 City Council meeting. Seconded by Councilor Grasso and voted.

IX. PRESENTATION AND CONSIDERATION OF WRITTEN COMMUNICATIONS AND PETITIONS

- A. Renewal Requests for Sidewalk Obstruction Licenses from the following businesses with no changes from last year
- Geno's Coffee Shop – 1 A-frame sign
 - Attrezzi LLC – 1 A-frame sign
 - Ceres Bakery – 4 Benches
 - Portsmouth Athenaeum – 1 A-frame sign
 - RiverRun Bookstore – 1 Table and 1 A-frame sign
 - Ayhan's Treasures – 1 A-frame sign
 - Muddy River Smokehouse – 1 A-frame sign
 - Rosa's Restaurant – 2 A-frame sign
 - Portsmouth Gas Light – 2 A-frame signs
 - Bagel Works – 4 Tables and 12 Chairs and 1 A-frame sign
 - Izzy's Frozen Yogurt – 1 Bench

Assistant Mayor Hanson moved to refer to the City Manager with power. Seconded by Councilor Whitehouse and voted.

- B. Letter from Christine Groleau, The Children's Museum of Portsmouth, requesting permission to hold the Annual 5k Road Race on Saturday, May 1, 2004

Councilor Ferrini moved to refer to the City Manager with power. Seconded by Councilor Whitehouse and voted.

- C. Memorandum from Betty Sanford, Taxi Commission Chairperson, regarding proposed fare increase

Councilor Whitehouse moved to recommend that this matter be brought back to the City Council for first reading on the March 15, 2004 City Council agenda. Seconded by Councilor Pantelakos.

Councilor Grasso requested that the City Council be advised as to when the last increase in fares took place.

Motion passed.

- D. Letter from Linda Harvey, Echo Hill Condominium Association, regarding drainage issues from Wholey Way Subdivision

City Manager Bohenko said that the staff has started reviewing this matter and recommended referring this to him for a report back.

Assistant Mayor Hanson moved to refer to the City Manager for a report back. Seconded by Councilor Pantelakos.

Councilor Whitehouse said we need to handle this matter immediately and take care of the issues relating to the culvert.

Motion passed.

- E. Letter from Drika Overton, Portsmouth Percussive Dance Festival, requesting permission to close off Pleasant Street between Market Square and Porter Street for street performances on Friday, June 25, 2004 from 7:00 p.m. to 8:00 p.m.

Councilor Pantelakos moved to refer to the City Manager with power. Seconded by Councilor Grasso.

Councilor Pantelakos requested that the City Manager advise the City Council if this event will be held.

Motion passed.

- F. Letter from Paul Sorli, Portsmouth Gas Light Co, requesting the partial use of the High Hanover Parking Lot adjacent to the Gas Light Co deck

Assistant Mayor Hanson moved to refer to the City Manager to create a license agreement. Seconded by Councilor Whitehouse.

City Manager Bohenko said with a license agreement he would build in penalties to ensure that we have the parking spots back by the date indicated for completion of the project. He said a copy of the agreement would be supplied to the City Council.

Motion passed.

X. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. CITY MANAGER

3. Report Back Re: Parking Impact Fee Ordinance

City Manager Bohenko said that this is a report back at the request of Councilor Grasso on the parking impact fee ordinance. He said that the ordinance needs to be adjusted and recommended referring this matter to the Economic Development Commission for their input and report back.

Councilor Grasso moved to refer to the Economic Development Commission for their input and report back on a potential increase in the parking fee. Seconded by Councilor Pantelakos.

Councilor Whitehouse requested that the Economic Development Commission address this matter at their March 5, 2004 meeting.

Motion passed.

4. Request for Approval of Pole License Agreement

City Manager Bohenko advised the City Council that the Public Works Department has reviewed the pole license agreement request for Porter Street and is recommending its approval.

Councilor Pantelakos moved to approve the request from PSNH for pole license agreement, #63-402, as recommended by the Public Works Department. Seconded by Councilor Whitehouse and voted. Assistant Mayor Hanson abstained from voting.

B. MAYOR SIRRELL

1. Appointments/Resignation from Board of Adjustment

Councilor Whitehouse moved to accept with regret the resignation of Christopher Rogers from the Board of Adjustment. Seconded by Councilor Grasso and voted.

The City Council considered the following appointments which will be voted on by the City Council at the March 15, 2004 City Council meeting: Appointment of Jonathan Bailey to the Traffic & Safety Committee, reappointment of Anita Freedman to the Portsmouth Housing Authority, and the appointment of Duncan MacCallum as an alternate to the Board of Adjustment.

2. Establishment of Sister City – Ghana, Africa

Mayor Sirrell recommended that the City Council approve the establishment of Ghana, Africa as a Sister City.

Councilor Pantelakos moved to approve the establishment of Ghana, Africa as a Sister City. Seconded by Councilor Ferrini and voted.

C. ASSISTANT MAYOR HANSON

1. Traffic & Safety Committee Action Sheet and Minutes of the January 15, 2004 meeting

Assistant Mayor Hanson moved to accept and approve the Traffic & Safety Committee action sheet and minutes of the January 15, 2004 meeting. Seconded by Councilor Grasso and voted.

XI. MISCELLANEOUS/UNFINISHED BUSINESS

Councilor Whitehouse requested that the City Manager and Mayor Sirrell report back to the City Council at the March 15, 2004 City Council meeting with a mechanism to support the Portsmouth Naval Shipyard to remain off the base closure list.

Councilor Grasso requested that letters be sent to our delegation in Washington, DC in support of the Portsmouth Naval Shipyard remaining open.

Assistant Mayor Hanson advised the City Council that he will be requesting an appropriation of \$10,000.00 during the budget process to support the efforts to keep the Portsmouth Naval Shipyard off the base closure list.

XII. ADJOURNMENT

At 8:15 p.m., Assistant Mayor Hanson moved to adjourn. Seconded and voted.



KELLI L. BARNABY, CITY CLERK